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BY HAND

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Richard KroczeK

Application No.: 09/509,283

Group Art Unit: 1644

Filed: August 11, 2001

Examiner: J. Roark

For: ANTI-HUMAN T-CELL COSTIMULATING POLYPEPTIDE MONOCLONAL ANTIBODIES Attorney Docket No.: 7853-215

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**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents
Box Sequence Listing
Washington, DC 20231

Sir:

In response to the Notice To Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures ("Notice to Comply") mailed by the U.S. Patent and Trademark Office on February 20, 2002 in connection with the above-identified application, Applicant submits herewith a third substitute Sequence Listing in paper and computer readable form pursuant to 37 C.F.R. § 1.821 and a copy of the Notice to Comply. Also submitted herewith is a Petition for Extension of Time for responding to the Notice to Comply from March 20, 2002, up to and including Saturday April 20, 2002.

I hereby state that the content of the paper and computer readable copies of the substitute Sequence Listing, submitted herewith in accordance with 37 C.F.R. §1.821, are the same. I hereby state that the submission herein under 37 C.F.R. §1.821(g) does not include new matter.

No fee is believed due; however, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of the sheet is attached for accounting purposes.

Respectfully submitted,

Date April 19, 2002

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)

By:

Muna Abu-Shaar
Muna Abu-Shaar
Limited Recognition Under 37 C.F.R. § 10.9(b)
Copy of Certificate Enclosed

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Notice to Comply

Application No.

09/509,283

Examiner

Jessica H. Roark

Applicant(s)

KROCZEK, RICHARD

Art Unit

1644

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The sequences on page 20 represented by "SEQ ID NO:3" and "SEQ ID NO:4" are not amino acid sequences, they are nucleic acid sequences. In addition, an amino acid sequence lacking an Identifier and not found in sequence listing is present on page 19 at line 30.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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